

Senate Bill 494

By: Senators Hamrick of the 30th and Moody of the 56th

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 6 of Title 44 of the Official Code of Georgia Annotated, relating to remainders and reversions, so as to prohibit a fee for a future conveyance of residential real property; to provide a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 6 of Title 44 of the Official Code of Georgia Annotated, relating to remainders and reversions, is amended by adding a new Code section to read as follows:

"44-6-69.

(a) A deed restriction or other covenant running with the land applicable to the conveyance of residential real property that requires a transferee of residential real property or the transferee's heirs, successors, or assigns to pay a declarant or other person imposing the deed restriction or covenant on the property or a third party designated by a transferor of the property a fee in connection with a future transfer of the property shall be prohibited. A deed restriction or other covenant running with the land that violates this Code section or a lien purporting to encumber the land to secure a right under a deed restriction or other covenant running with the land that violates this Code section is void and unenforceable. For purposes of this Code section, a conveyance of real property includes a conveyance or other transfer of an interest or estate in residential real property.

(b) This Code section shall not apply to a deed restriction or other covenant running with the land that requires a fee associated with the conveyance of property in a subdivision that is payable to:

(1) A property owners' association, as such term is defined in Code Section 44-3-221, that manages or regulates the subdivision or the association's managing agent if the subdivision contains more than one platted lot;

29 **SECTION 2.**
30 All laws and parts of laws in conflict with this Act are repealed.

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